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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional) 964-991369

In re Application of:

Bernhard Gotz

Application No.:

09/421,676

Filed:

October 20, 1999

For:

INDUSTRIAL TRUCK WITH A REAR WEIGHT AND INTERNAL COMBUSTION ENGINE

The owner*, <u>Linde Aktiengesellschaft</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>5,454,034 B1</u>. The owner hereby agrees that any patent so granted on the instant application shall be <u>enforceable</u> only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. X The undersigned is an attorney or agent of record.

Signature

November 3, 2003

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412-471-8815

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